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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

TYRELL LAMONT WILLIAMS,

Defendant and Appellant.

C082994

(Super. Ct. No. 15F02384)

Appointed counsel for defendant Tyrell Lamont Williams has filed an opening brief that sets forth the facts of the case and asks this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Finding no arguable error that would result in a disposition more favorable to defendant, we will affirm the judgment.

BACKGROUND

We provide the following brief description of the facts and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

On April 17, 2015, a police officer stopped defendant while he was driving his vehicle. During the stop, the officer saw a .40-caliber revolver sticking up from under the

driver's side seat. The gun was loaded and was not registered with the Department of Justice pursuant to Penal Code section 11106, subdivision (c)(1).¹

Defendant was charged with unlawfully carrying a firearm concealed within a vehicle under his control (§ 25400, subd. (a)(1); count one) and unlawfully carrying a loaded firearm in a vehicle while in a public place (§ 25850, subd. (a); count two). With respect to count one, it was further alleged that the firearm was not registered with the Department of Justice and that defendant was in immediate possession of the firearm and it was readily accessible to him. (§§ 11106, subd. (c)(1), 25400, subd. (c)(6).) With respect to count two, it was further alleged that defendant is not listed with the Department of Justice as the registered owner of the firearm. (§ 25850, subd. (c)(6).)

In October 2015 the trial court considered defendant's motion to discover citizen complaints pursuant to *Pitchess v. Superior Court* (1974) 11 Cal.3d 531. According to defendant, the officer was unable to properly tell whether defendant was speeding at the time of the traffic stop because the officer's vehicle was not calibrated. In addition, defendant claimed the officer erroneously stated in his report that he *clearly* observed a butt of a gun protruding from underneath the front seat, despite his statement to dispatch for backup that there "*might* be a gun underneath the seat." (Italics added.) The trial court found defendant had failed to show good cause and denied the motion.

In April 2016 the trial court denied defendant's motion to suppress evidence under section 1538.5. In August 2016 defendant moved for new counsel pursuant to *People v. Marsden* (1970) 2 Cal.3d 118. The trial court conducted a hearing and denied defendant's motion.

In September 2016 defendant pleaded no contest to count one. He also admitted he was not registered with the Department of Justice as the owner of the gun and the

¹ Undesignated statutory references are to the Penal Code.

firearm and ammunition were in his immediate possession. The trial court imposed five years of probation, with 90 days in county jail and awarded one day of custody credit. The trial court also imposed a \$300 restitution fine (§ 1202.4, subd. (b)) and a corresponding \$300 probation revocation fine suspended unless probation is revoked (§ 1202.44). In addition, the trial court imposed a \$40 court operations assessment (§ 1465.8), and a \$30 conviction assessment fee (Gov. Code, § 70373).

Defendant filed a timely appeal and did not seek a certificate of probable cause.

DISCUSSION

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and asks us to determine whether there are any arguable issues on appeal. (*People v. Wende, supra*, 25 Cal.3d 436.) Counsel advised defendant of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days have elapsed, and we have received no communication from defendant.

We have undertaken an examination of the entire record and find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

RAYE, P. J.

We concur:

NICHOLSON, J.

MURRAY, J.